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ECONOMIC DEVELOPMENT AND GOVERNANCE

ABA-ASIA PROGRAM IN SUPPORT OF LEGAL REFORM IN THE PHILIPPINES (LRP)

GOAL

To support legal reform in the Philippines particularly in the areas of judicial capacity and integrity, legal education, bar reform, anti-corruption and anti-terrorism.

OBJECTIVES

The LRP project is implemented by the American Bar Association - Asia Law Initiative (ABA - Asia) with funding from USAID, and has the following objectives:

- To support efforts to improve the judiciary and increase public confidence in the judicial system;
- To support the professional development of lawyers in the Philippines;
- To support improvements to legal education;
- To support anti-corruption efforts;
- To support anti-terrorism efforts.

PROJECT MANAGEMENT

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BACKGROUND/HISTORY

Chief Justice Hilario Davide, Jr. of the Philippine Supreme Court has been an outspoken and active supporter of reforms to the country's judiciary. Shortly after his appointment, he articulated his vision for the judiciary in a document called, "The Davide Watch." He envisioned an independent, ethical and effective judiciary worthy of public trust, and an ethical, quality, accessible and cost-effective legal profession willing to undertake public service.

The judiciary subsequently adopted an Action Program for Judicial Reform (APJR) which identified a series of major problems confronting the Philippine judicial system, including: 1) case congestion and delay; 2) a politicized system for judicial appointments; 3) lack of public information and collaboration with civil society; 4) inadequate standards for ethical behavior; and 5) gaps in the disciplinary/ethical enforcement process. The APJR identified a number of ambitious programs to address these problems.

The LRP project of ABA-Asia, with funding from USAID, seeks to support specific goals of the APJR, particularly those "to improve existing institutional mechanisms within the judiciary for the detection, investigation, prosecution, and punishment of irregular acts and to support other anti-graft and corruption entities in combating graft and corruption" and those mandating the establishment of a judicial code of ethics and the improvement of the disciplinary system.

The project also seeks to support the APJR by providing training to judges and working for bar and legal education reforms. Finally, the project will also lead an informed and fact-based exploration of the legal options available to address terrorism so that much needed legislation appropriate to the public's sensitivities and the legal framework in the Philippines can be enacted.



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PROJECT ACTIVITIES

The Legal Reform in the Philippines Project has the following project activities:

Supporting efforts to improve the judiciary and increase public confidence in the judicial system -

This includes assistance to implement the Code of Judicial Ethics and Conduct for Court Personnel, "Judge to Judge" dialogues on the appropriate role of the judiciary, technical assistance on assessing and revising the rules of evidence, technical assistance on judicial selection.

Supporting the professional development of lawyers -

to-date this has primarily consisted of technical assistance provided to the Supreme Court's Committee on Legal Education and Bar Matters to identify reforms in the bar examination.

Supporting improvements to legal education -

Interventions include the development of a new ethics course for law schools and new standards to accredit law schools.

Supporting anti-corruption efforts -

this includes training for judges, lawyers and prosecutors on anti-money laundering, the provision of technical assistance on the rules of forfeiture, and work with the Sandiganbayan to promote speedier trials.

Supporting anti-terrorism efforts -

This primarily consists of organizing dialogues to freely discuss the various bills to combat terrorism.

ACHIEVEMENTS

Project accomplishments include the following:

- Three "Judge to Judge" dialogues were held with more than 150 judges and Supreme Court justices in attendance. These dialogues allowed Philippine judges to listen to the experiences of and exchange views with prominent and highly respected judges and legal scholars from other jurisdictions like the U.S., Thailand, Australia and India.
- LRP supported the training of more than 1,200 judges and court personnel in the new code of ethics and conduct.
- Supported the holding of two dialogues of the Sandiganbayan to discuss the causes of congestion and identify specific steps to decongest dockets and achieve speedier trials. The steps identified during the second dialogue now serve as the roadmap for USAID assistance to the Sandiganbayan.
- Held a well-attended anti-terrorism conference in Davao City where participants were briefed on the various anti-terrorism bills pending in Congress, and a frank discussion of the strengths and weaknesses of each bill from the perspective of the legal framework and basic rights followed.
- On the anti-corruption front, provided training to more than 30 judges, lawyers and prosecutors on how anti-money laundering cases are tried, and provided technical assistance to the Supreme Court in developing rules of forfeiture.
- Technical assistance to the Supreme Court's Committee on Legal Education and Bar Matters lead to the formulation of short, medium and long- term reforms to the bar examination.